

FILED IN OPEN COURT
ON 5/24/18 SWT
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:17-CR-226-FL

UNITED STATES OF AMERICA :
 :
 v. :
 :
 BARRY JEROME PHOENIX :

ORDER OF FORFEITURE

Defendant Barry Jerome Phoenix pled guilty to the single-count Criminal Information, which charged Defendant with violating Title 18, United States Code, Sections 1344 and 2 (Bank Fraud and Aiding and Abetting). In his Plea Agreement, the Defendant agreed to the forfeiture of \$187,663.18 in proceeds from the bank fraud offense, proceeds which were in fact personally obtained by the defendant from the offense.

Having considered the plea agreement, the record as a whole, and the applicable law, the Court issues the following orders:

1. It is ORDERED that \$187,663.18, which constitutes or is derived from proceeds traceable to Defendant's violation of Title 18, United States Code, Section 1344, is forfeited to the United States.

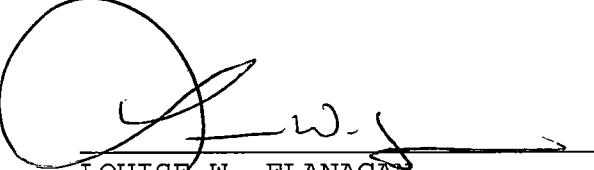
2. It is further ORDERED that pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, the United States may

move to amend this Order at any time to substitute specific property to satisfy this Order of Forfeiture in whole or in part, provided the United States makes the showing required by 21 U.S.C. Section 853(p).

3. It is further ORDERED that any and all forfeited funds shall be deposited by the U. S. Department of Justice or the U. S. Department of the Treasury, as soon as located or recovered, into the U. S. Department of Justice's Assets Forfeiture Fund or the U. S. Department of the Treasury's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

In addition, upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is DIRECTED to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant upon entry.

SO ORDERED. This 24th day of May, 2018.


LOUISE W. FLANAGAN
United States District Judge